



Docket No. 48194

1646

[Handwritten signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Fujino
Serial No.: 09/257,650
Filed: February 25, 1999
For: USES AND SCREENING METHOD FOR AN ABERRANT GENE
PRODUCT OPERATING SUBSTANCE

Confirmation No.: 2632
Group Art Unit: 1646
Examiner: O'Hara, Eileen B.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 22, 2004.

By:

[Handwritten signature of Judy Daley]
Judy Daley

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Information Disclosure Statement including Certificate of First Class Mailing (4 pages);
2. Copy of European Search Report from Corresponding European Application Serial No. 04002138.8-2404 (4 pages);
3. Form PTO-1499 (1 page) with copies of cited references D1-D5; and a
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

[Handwritten signature of Jennifer K. Rosenfield]

Jennifer K. Rosenfield, Reg. No.: 53,531
Intellectual Property Practice Group of
Edwards & Angell LLP
P.O. Box 55874
Boston, MA 02205
Tel.: (617) 439-4444

Date: July 22, 2004

Customer No.: 21874

452450



Attorney Docket No. 48194

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Fujino CONFIRMATION NO.: 2632
U.S.S.N.: 09/257,650 GROUP: 1646
FILED: February 25, 1999 EXAMINER: O'Hara, Eileen B.
FOR: USE AND SCREENING METHOD FOR AN ABERRANT GENE PRODUCT
OPERATING SUBSTANCE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 22, 2004.

By

Judy Daley
Judy Daley

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. , filed on . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b. within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.
- c. before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made,

charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
or
b. X See the certification below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. X each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

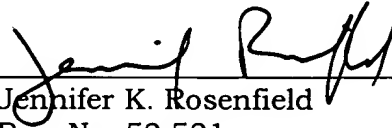
VII. FEE PAYMENT

- _____ Enclosed please find a check in the amount of \$180.00 for the above-indicated fee.
- _____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.
- X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: July 22, 2004



Jennifer K. Rosenfield
Reg. No. 53,531
Agent for Applicant

EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Customer No: 21874
Tel: (617) 517-5577
452189



FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	DOCKET NO:	SERIAL NO.:
	48194	09/257,650
	APPLICANT(S): M. Fujino	
	FILING DATE:	GROUP NO.:
	February 25, 1999	1646

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	D1	WO 94/08578	04/28/94	PCT		

OTHER DOCUMENTS (INCLUDING AUTHO, TITLE, DATE, PERTINENT PAGES, ETC.)

D2	D. Marinkovic, et al., "A Cyanogen Bromide Fragment of β -Galactosidase from Escherichia Coli with α -Donor Activity in Complementation of the Enzyme from Mutant M15," Biochemical Journal, Vol. 155, 1976, pgs. 209-216.
D3	Y. Uehara, et al., "Screening of Agents which Convert 'Transformed Morphology' of Rous Sarcoma Virus-Infected Rat Kidney Cells to 'Normal Morphology': Identification of an Active Agent as Herbimycin and its Inhibition of Intracellular src Kinase," Japanese Journal of Cancer Research, Vol. 76, No. 8, August 1985, pgs. 672-675.
D4	R. Warrell, Jr., et al., "Differentiation Therapy of Acute Promyelocytic Leukemia with Tretinoin (All-Trans-Retinoic Acid)," The New England Journal of Medicine, Vol. 324, No. 20, pgs. 1385-1393.
D5	L. Whitesell, et al., "Inhibition of Heat Shock Protein HSP90-pp60 ^{v-src} Heteroprotein Complex Formation by Benzoquinone Ansamycins: Essential Role for Stress Proteins in Oncogenic Transformation," Proceeding of the National Academy of Sciences of USA, Vol. 91, No. 18, August 16, 1994, pgs. 8324-8328.

EXAMINER:	DATE:
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